

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN SENATE APRIL 28, 2010

SENATE BILL

No. 984

Introduced by Senator Hollingsworth

February 8, 2010

An act to ~~add Section 415.11 to~~ *add and repeal Section 415.11 of the Code of Civil Procedure, relating to service of process, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 984, as amended, Hollingsworth. Service of process: time.

Existing law authorizes personal service upon a party in a civil action, if no specific provision is made, by leaving the notice or other papers at the party's residence, between the hours of 8 a.m. and 6 p.m. with a person of not less than 18 years of age.

This bill would, *until January 1, 2014*, instead require the first attempt to *personally* serve a summons or complaint initiating an action to be made between the hours of 7 a.m. and 8 p.m.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 415.11 is added to the Code of Civil
- 2 Procedure, to read:

1 415.11. (a) The first attempt to *personally* serve a summons
2 and complaint that initiates an action shall be made between the
3 hours of seven in the morning and eight in the evening, *subject to*
4 *Section 415.95*.

5 (b) Service of a summons in violation of this section shall be
6 valid and effective.

7 (c) *This section shall remain in effect only until January 1, 2014,*
8 *and as of that date is repealed, unless a later enacted statute, that*
9 *is enacted before January 1, 2014, deletes or extends that date.*

10 SEC. 2. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety within
12 the meaning of Article IV of the Constitution and shall go into
13 immediate effect. The facts constituting the necessity are:

14 In order to ensure that service of process is performed in a
15 manner that does not interfere with a homeowner's expectations
16 of privacy and freedom from harassment, it is necessary that this
17 act take effect immediately.